

**MINUTES
GREEN BAY PLAN COMMISSION
Monday, September 23, 2013
City Hall, Room 604
6:00 p.m.**

MEMBERS PRESENT: M. Conard–Chair, L. Queoff–Vice-Chair, S. Bremer, T. Gilbert, J. Reck, and J. Wiezbiskie

MEMBERS EXCUSED: T. Duckett

OTHERS PRESENT: R. Strong, P. Neumeyer, S. Grenier, J. Mueller, K. Winters, Dennis Kellner, Donna Kellner, B. McFarlane, J. McFarlane, H. Wagnitz, X. Wei, C. Wall, L. Nuss

APPROVAL OF MINUTES:

Approval of the minutes from the September 9, 2013, Plan Commission meeting

A motion was made by J. Wiezbiskie and seconded by S. Bremer to approve the minutes from the September 9, 2013, Plan Commission meeting with the following underlined revisions on Pages 3 and 6.

S. Bremer added that Plan Commission minutes from 2009 reflect her position and City Council's that other communities should join in the solution by adding shelters of their own to deal with their homeless populations. (Page 3)

S. Bremer doesn't believe that a 54-person limit would effect a cost savings since the unsheltered homeless problems would just spread to other locations. She also agrees that more funds should go into helping cure mental health issues for this population. (Page 6)

Motion carried.

COMMUNICATIONS:

None

OLD BUSINESS:

None

NEW BUSINESS:

1. (ZP 13-09) Discussion and action on the request to rezone 852, 856, and 860 Elmore Street from Low Density Residential (R1) to Medium Density Residential (R2) and a request for a Conditional Use Permit (CUP) to reestablish a four-unit apartment located at 860 Elmore Street submitted by Xinhua Wei (Ald. Boyce, District 7)

P. Neumeyer gave the staff report and recommendation. A catalyst for the request was the vacant four-unit at 860 Elmore Street. Adjoining properties at 852 and 856 are currently single-family; the rezoning to R2 will make them non-conforming. Then they can convert to two-families in the future. Staff notified affected property owners, and no questions or comments

were received to date. The recommendation is to approve the request, which is consistent with the City's Comprehensive Plan.

L. Queoff said 852 and 856 Elmore Street would be rezoned so they could become two-families. She questioned whether the properties are large enough to accommodate that use. P. Neumeyer responded that it is an option to convert, but they could also remove the buildings and construct new ones.

L. Queoff is worried about changing the neighborhood with the addition of more two-family properties.

S. Bremer asked if the property owner from 856 Elmore Street has confirmed joining the request. P. Neumeyer said it has been confirmed over a phone conversation.

S. Bremer commented there are many duplexes in this area, as well as multi-families; she wonders if the four-unit building makes sense in the area.

J. Reck said it was operating as a four-plex but sat idle for a year. He questioned how the property could operate as it did without permits and now the same use would require permits. P. Neumeyer said the zoning changed from R3 to R1.

S. Bremer asked why the zoning needed to be changed now. P. Neumeyer said it is zoned Low Density Residential so it can only be used as a single-family or a two-family home by conditional use.

J. Wiezbiskie disagrees with the idea of involving two other properties into this request for the sole purpose of avoiding spot zoning, which seems appropriate in this case.

T. Gilbert said around the subject property there are single-family properties zoned R1. He feels spot zoning is still being used but just with three properties instead of one. P. Neumeyer said the Comprehensive Plan anticipates for higher intensity uses.

R. Strong commented that the Comprehensive Plan and the use of this four-family line up but the zoning does not. There are options – you can spot zone a parcel of land, convert the building to a single-family, tear it down, convert it to a two-family with a conditional use, etc. Perhaps the Commission should look at changing the Comp Plan.

A motion was made by J. Wiezbiskie and seconded by T. Gilbert to approve a spot-zoning of 860 Elmore Street from Low Density Residential (R1) to Varied Density Residential (R3).

R. Strong said staff will follow-up with the Attorney's Office and ensure there are no legal consequences to this decision.

S. Bremer said the rationale is the four-unit building was built as such. It has not been converted to that status. She also commented on the inconsistency with the Comprehensive Plan and that area regarding the single-family homes and many duplexes and multi-families.

M. Conard thought it would be beneficial for staff to review the inconsistencies in this area so a solution can be found going forward.

Kelly Winters, 825 Elmore Street – When she bought her home, it was a two-family, and she converted it to a single-family by adding a spiral staircase. She believes in the neighborhood. The multi-family units on the block have brought many problems to the area; for instance, 115 police calls in one month. Fifty-three of those calls were disorderly conduct. High density creates a problem.

Dennis and Donna Kellner, 869 Bond Street – Their property was purchased as a two-family, and they converted it to a single-family. The neighborhood has gone from good to bad. The City has been encouraging single-family homes, and that has made them hopeful of a better neighborhood. They are in plain view and earshot of the disturbances, the garbage piled up, etc.

Barb McFarlane, 523 Melrose Avenue – She said the multi-families are problem properties. They stay vacant and are vandalized.

Jodi McFarlane, 993 Elmore Street – She has always lived in the area; the neighborhood was better when she was younger. She noticed the changes came when properties became multi-family and renter-occupied.

Heidi Wagnitz, 865 Elmore Street – She lives right across from the four-family property. There have been multiple problems and police calls.

Xinhua Wei, 860 Elmore Street – He understands where the neighborhood is coming from, but he is only requesting to use the four-unit building as it was constructed.

S. Bremer asked if the owners of the properties at 852 and 856 Elmore Street joined in the rezone to support his initial request for the four-plex to remain as such. X. Wei said that was correct.

S. Bremer also asked what the square footage was of the four-plex. X. Wei responded approximately 3,200 square feet.

J. Wiezbiskie asked if the applicant considered making the four-unit building a two-family. X. Wei said he did not and wasn't sure how that would work.

M. Conard asked if the realtor said it could stay as a four-plex. X. Wei said she told him to go to the City and ask to get it rezoned – that it was an easy process.

L. Queoff asked if the applicant planned on repairing the building. X. Wei said repairs are already underway.

X. Wei also commented on the neighbors' concerns and feels landlords are obligated to choose good people to rent at their properties.

J. Wiezbiskie asked if the apartments were one-bedroom units. X. Wei said they were two-bedroom units.

J. Wiezbiskie removed his motion from the table so further discussion could ensue. T. Gilbert agreed and withdrew his second to the motion.

M. Conard was concerned about the significant amount of repairs the building needs. It would be prudent to leave it as a four-family building. The petitioner seems to be aware of the background checks and other steps to take to ensure good renters are brought in.

J. Reck understood the concerns of the neighborhood and felt they were valid.

A motion was made by J. Reck and seconded by J. Wiezbiskie to deny the request to rezone 852, 856, and 860 Elmore Street from Low Density Residential (R1) to Medium Density Residential (R2) and a request for a Conditional Use Permit (CUP) to reestablish a four-unit apartment located at 860 Elmore Street.

L. Queoff asked what would happen to the property if the request is denied. The consensus is that it could be rented by one family and treated as a single-family property.

S. Bremer is sensitive to the neighbors' concerns and feels the applicant is as well. She said the problem is not single- or multi-family; it is owner- or renter-occupied units. The Comprehensive Plan needs to be reviewed for this area.

Motion carried.

2. (ZP 13-29) Discussion and action on a request to rezone properties located at 1936, 1948, 1988, and 2006 E. Mason Street from General Commercial (C1) to Highway Commercial (C2) submitted by Clifford M. Wall, Cliff Wall Motor Sales

P. Neumeyer gave the staff report and recommendation. There are four properties included in this request on E. Mason, Diane, and August Streets. A building was recently torn down on E. Mason and Diane and would allow for an expanded parking/display area. The Comprehensive Plan shows a Commercial corridor; the zoning would go from C1 to C2 to allow for the existing auto-related operations. Staff's recommendation is approval of the request.

Cliff Wall, 2576 Riverside Drive – He has owned the properties since 1968.

S. Bremer asked if the applicant already owned the property where the building was torn down or if it was recently acquired. C. Wall said it was recently acquired.

A motion was made by J. Wiezbiskie and seconded by L. Queoff to approve the request to rezone properties located at 1936, 1948, 1988, and 2006 E. Mason Street from General Commercial (C1) to Highway Commercial (C2). Motion carried.

3. (ZP 13-30) Discussion and action on a request for a Conditional Use Permit (CUP) to construct a freestanding parking lot in a Downtown One (D1) District located at 416-418 N. Monroe Avenue submitted by Steven M. Grenier, Director, Department of Public Works (Ald. Boyce, District 7)

P. Neumeyer gave the staff report and recommendation. This property was recently acquired by the City; it was a former adult entertainment establishment that was razed. The City would like to pave the area where the foundation stood to create a larger parking lot. The zoning is currently compliant. Affected property owners were notified. A site plan has been provided showing added green space. Staff's recommendation is approval of the request subject to the following:

- a. Standard site plan review and approval; and
- b. All applicable standards listed in Chapter 13, Green Bay Zoning.

M. Conard asked if there were plans to sell the property in the future. S. Grenier said the short-term is to lease the parking lot for a local business. The long-term is for the property to be redeveloped into a higher use.

S. Bremer asked what the requirements were for a freestanding parking area. P. Neumeyer stated that the entire area could be 100% impervious. There was no discussion about fencing along the parking areas due to the fact that the property may be redeveloped at a later date.

Ladd Nuss, 613 Bodart – His property is due east of the parking lot. He came to hear what was going on with the property.

A motion was made by J. Wiezbiskie and seconded by T. Gilbert to approve the request for a Conditional Use Permit (CUP) to construct a freestanding parking lot in a Downtown One (D1) District located at 416-418 N. Monroe Avenue subject to the following:

- a. Standard site plan review and approval; and
- b. All applicable standards listed in Chapter 13, Green Bay Zoning.

Motion carried.

OTHER:

Director's Update on Council Actions

R. Strong said all of the Plan Commission items were approved at City Council – the Auto Plaza Drive rezone, the Military Avenue BID (approved 11-1), the increased numbers for St. John's (approved 11-1), and the ground-mounted sign for Fajita Republic.

R. Strong added the efforts of HOPE to obtain a lease at the job center building fell through. There is no daytime facility at this time.

P. Neumeyer asked the Commission how staff should proceed with Transient Residential use. J. Reck said he would like parameters regarding geographical area and something akin to the "spirit" of the Lambeau Field area.

S. Bremer would like the Plan Commission decisions to be predictable.

SUBMITTED PETITIONS: (for informational purposes only)

A motion was made by J. Wiezbiskie and seconded by L. Queoff to adjourn. Motion carried.

Meeting adjourned at 7:20 p.m.